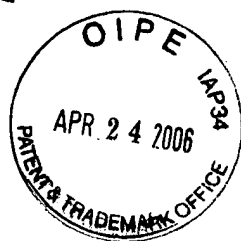


IFW



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Jean-Louis H. GUERET) Group Art Unit: 3751
)
Application No.: 09/899,182) Examiner: Peter T. deVore
)
Filed: July 6, 2001)
) Confirmation No.: 9798
For: NOTCHED BRUSH AND MAKE-)
UP DEVICE INCLUDING THIS)
BRUSH)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENTS

In an Office Action dated March 22, 2006, the period for response to which extends to April 24, 2006 (as April 22, 2006, was a Saturday), the Examiner has applied a series of six species-election requirements.

In the first species-election requirement, the Examiner has required Applicant to elect between the following two allegedly distinct species:

Species 1A – a species wherein the “another” notch is the “second” notch; and

Species 1B – a species wherein the “another” notch is not the “second” notch.

In connection with this species-election requirement, the Examiner asserted that claims 89, 132, 203, and 266 correspond to Species 1A, and that claims 90, 133, 204, and 267 correspond to Species 1B. (Office Action at 2.) The Examiner acknowledged,

however, that all of the originally patented claims, and all of the newly added independent claims, are generic to both Species 1A and Species 1B. (*Id.* at 3.)

In response to the Examiner's first species-election requirement, Applicant elects Species 1A (i.e., claims 89, 132, 203, and 266) for initial prosecution in the application. Upon allowance of a generic claim, however, Applicant requests that the Examiner examine and allow the claims identified in the Office Action as corresponding to Species 1B.

The Examiner also applied five other species-election requirements, but held that Applicant had constructively elected particular species based on the originally patented claims. (Office Action at 3-6.) Specifically, the Examiner asserted that Applicant constructively elected Species 2A (original claim 4), Species 3A (original claim 19), Species 4A (original claim 10), Species 5A (original claim 15), and Species 6A (original claim 18). Based on these species-election requirements, the Examiner has withdrawn claims 98, 104, 108, 115, 118, 119, 141, 147, 151, 158, 161, 162, 177, 182, 186, 191, 193, 210, 215, 219, 224, 226, 240, 245, 249, 254, 256, 278, 282, 287, 289, and 314-319.

Applicant notes that at least claim 84 is generic to withdrawn claims 98, 104, 108, 115, 118, and 119; that at least claim 127 is generic to withdrawn claims 141, 147, 151, 158, 161, and 162; that at least claim 170 is generic to withdrawn claims 177, 182, 186, 191, and 193; that at least claim 201 is generic to withdrawn claims 210, 215, 219, 224, and 226; that at least claim 233 is generic to withdrawn claims 240, 245, 249, 254, and 256; and that at least claim 264 is generic to withdrawn claims 278, 282, 287, 289, and

314-319. Upon allowance of a generic claim, Applicant requests that the Examiner rejoin, examine, and allow the respective withdrawn claims.

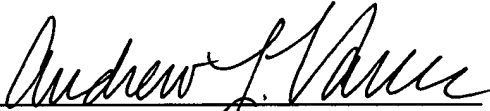
Applicant also notes that the Examiner identified a minor typographical error in the reissue declaration with respect to the application number. Applicant appreciates the Examiner's identification of this typographical error and intends to submit a corrected declaration to address it.

Please grant any extensions of time required to enter this response and charge any required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 24, 2006

By: 
Andrew J. Vance
Reg. No. 45,174